

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
RECEIVED

2006 MAR 15 A 9:49

Kym GRAY #203553
PLAINTIFF

- V.S. -

PAUL WHALEY
ALABAMA DEPARTMENT OF CORRECTION
CLASSIFICATION - DIVISION
DEFENDANT

§ FEDRA P. HANCOCK CLK
§ U.S. DISTRICT COURT
§ MIDDLE DISTRICT OF ALABAMA
§ CIVIL ACTION NUMBER
§ 2:06-CV-107-MEF
§ (WO)
§

PLAINTIFF REQUEST FOR MOTION FOR APPOINTMENT OF COUNSEL

COMES NOW the PLAINTIFF in the ABOVE STYLED CAUSE OF ACTION, NOW MOTIONS the HONORABLE COURT to APPOINT COUNSEL in this CAUSE OF ACTION AS OF the Grounds Listed.

(1) THE FEDERAL RULES CIVIL PROCEDURES 42 U.S.C. 1983 in the District Court WERE in FORMA PAUPERIS UNDER THE LAW, 28 U.S.C. 1915(e)(2). WHERE the COURT MAY APPOINT COUNSEL DUE to the COMPLICATED LEGAL ISSUES THAT ARE DEALING WITH the CIVIL CASE, WHERE DOCUMENTS OF CLASSIFICATION RECORDS ARE NEEDED AND A INVESTIGATION IS REQUIRED WHERE the PLAINTIFF WILL NOT BE ABLE to DO BECAUSE OF his IMPRISONMENT.

(2) THE COUNSEL WILL ALSO BE NEEDED TO FILE THE PROPER DISCOVERY IN THIS CAUSE OF ACTION WHERE CROSS-EXAMINE OF WITNESS CAN ONLY BE DONE PROPERLY BY A TRAINED ATTORNEY WHERE PLAINTIFF IS NOT TRAIN IN LAW AND CAN NOT AFFORD TO HIRE LAWYER ON HIS OWN, THIS IS WHY PLAINTIFF MOTION THIS HONORABLE COURT TO APPOINT LAWYER. AS OF THE LAW.

(3) THE APPEALS COURT FOUND THAT THE COURT HAD ABUSED ITS DISCRETION IN REFUSING TO APPOINTMENT OF COUNSEL FOR A PRISONER IN A SECTION CIVIL CASE IN PARHAM V. JOHNSON, 126 F.3d 454, 461 (3d CIR. 1997), SEE ALSO HENDRICKS V. COUGHLIN, 114 F.3d 390 (2d CIR 1997). THE PLAINTIFF CASE HAS STRONG MERITS AND COUNSEL IS VERY MUCH NEEDED IN THE CIVIL ACTION WHEREFORE THE PLAINTIFF MOTION THIS HONORABLE COURT TO APPOINT A CIVIL ATTORNEY TO BE APPOINTED THE PLAINTIFF IN THIS CASE.

DONE ON THIS THE 13th DAY OF MARCH 2006

PLAINTIFF,
Kym Gray
 Kym GRAY 203553

CONCLUSION

WHEREFORE PREISES AND FACTS TO BE CONSIDER
PLAINTIFF GRAY DOES PRAY THAT THIS COURT WILL
GRANT PLAINTIFF GRAY, MOTION FOR APPOINTMENT
OF COUNSEL.

CERTIFICATE OF SERVICE

THIS DOES HEREBY CERTIFY'S THAT KYM GRAY HAS
FORWARDED UNTO THE OFFICE OF DEBRA P. HACKETT
CLERK OF THE MIDDLE DISTRICT OF ALABAMA, A COPY
OF THE FOREGOING PLEADING BY PLACING SAME, IN THE
UNITED STATES POSTAL-MAIL

DONE ON THIS THE 13TH DAY OF MARCH 2006.

Respectfully Submitted,
Kym Gray
Kym GRAY #203553
565 Bibb LANE B3-33
Brent, Ala. 35034